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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

7 RICHARD ROY SCOTT,

8 Plaintiff,

9 v.

10 KELLY CUNNINGHAM,

11 Defendant.

NO. C11-5509 BHS/KLS

ORDER DENYING MOTION TO
CONSOLIDATE AND FOR COUNSEL

12 Before the Court is Plaintiff's motion for counsel and to consolidate this case with Case
13 No. C11-6015BHS/KLS. ECF No 254. This is Plaintiff's *seventh* motion for appointment of
14 counsel. ECF No. 248 (Report and Recommendation). This motion to consolidate and to
15 appoint counsel is repetitive in all respects to his motion to consolidate and for counsel filed at
16 ECF No. 129. Mr. Scott is prohibited from filing any duplicative or repetitive motion in an
17 action. The case management order states that the filing of a duplicative or repetitive motion
18 shall result in monetary sanctions or dismissal of the action. *Scott v. Selig*, No. 4-5147RJB,
19 ECF No. 170 ¶ 6.
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21 This Court denied Plaintiff's first motion to consolidate because it was premature. ECF
22 No. 193. A viable complaint had not yet been filed in Case No. C11-6015 BHS/KLS at the
23 time Mr. Scott filed his first motion to consolidate. A complaint has now been filed but the
24 Defendant has not yet been served.
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Conversely, in this case, there are multiple motions and cross-motions for summary judgment under consideration (ECF Nos. 63, 85, 94, 101, 134, 148, 156, and 161) and a pending Report and Recommendation in which the undersigned has recommended dismissal of this case if Mr. Scott does not pay \$750.00 in sanctions because he continues to file duplicative and frivolous motions. ECF No. 248. Therefore, this case is not a good candidate to be consolidated with Case No. C11-6015 BHS/KLS.

Further duplicative motions to consolidate and/or for counsel will not be considered by this Court.

Accordingly, it is **ORDERED**:

(1) Plaintiff's motion to consolidate and for counsel (ECF No. 254) is **DENIED**.

(2) The Court shall take no action on any further duplicative motions to consolidate or for counsel filed by Plaintiff in this case.

(3) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

DATED this 30th day of April, 2012.


Karen L. Strombom
United States Magistrate Judge